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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-0170JMS-02
	)	
Plaintiff,	)	AMENDED
	)	MOTION FOR DEPARTURE DOWNWARD
	)	IN SENTENCING DEFENDANT
VS.	)	BRANDON J. MAGLINTI
	)	
	)	
STEVEN I. OKAMURA,	(01) )	Sentencing Date: 9/8/06 at
BRANDON J. MAGLINTI,	(02) )	2:15 P.m., before the Hon.
	)	J. Michael Seabright
Defendants.	)	
	)	

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**AMENDED MOTION FOR DOWNWARD DEPARTURE**  
**IN SENTENCING DEFENDANT BRANDON J. MAGLINTI**

The United States of America, by and through its undersigned counsel, hereby moves this Honorable Court to depart downwards in imposing sentence upon defendant Brandon J. Maglinti due to his substantial assistance to and cooperation with law enforcement authorities in the investigation or prosecution of other persons who have committed an offense.

This motion is made pursuant to 18 U.S.C. 3553(e) and U.S. Sentencing Commission Guideline 5K1.1. The instant amended motion is filed to substitute for the original motion previously filed on September 6, 2006, and it likewise is based upon the information contained in the sealed "Factual Basis for Motion for Departure Downward in Sentencing Defendant" previously filed on September 6, 2006.

DATED: Honolulu, Hawaii, September 7, 2006.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Michael K. Kawahara  
MICHAEL K. KAWAHARA  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

Mr. Barry D. Edwards [barrydedwards@gmail.com](mailto:barrydedwards@gmail.com) September 7, 2006

Attorney for Defendant  
Brandon J. Maglinti

Served by hand-delivery:

Probation Officer  
300 Ala Moana Blvd.,  
Box 50111, Rm. C-126  
Honolulu, HI 96850

September 7, 2006

/s/ Rowena N. Kang